

REPORT

Utah Contract 136039

Big Game Forever



June 30, 2014

Utah Division of Wildlife Resources

Wolf-Delisting Efforts

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Executive Summary

The focus of Big Game Forever’s efforts pursuant to the contract has been to restore state management authority over wolves in the state of Utah. This is consistent with our contractual obligations with the state of Utah and pursuant to Utah statute which states, “it is the policy of the state of Utah to legally advocate and facilitate the delisting of wolves in Utah under the Endangered Species Act and the return management authority to the state.” See Utah Code 23-29-101-(10)

The decline of key elk, moose, deer and other wildlife populations and the rapid growth of Canadian Gray Wolf populations in the Northern Rockies has been an issue of growing concern in the Western States. In particular, important elk and moose herds in Idaho, Montana and Wyoming, are showing dramatic declines. Some wildlife herds, such as the Northern Yellowstone elk herd, have lost as much as 80% of its population. Family ranchers are also feeling the impacts of livestock depredation and economic loss from unmanaged wolves.

The influx of Canadian Gray wolves into Utah is inevitable. The question is whether the state of Utah will have management authority of wolves when it is needed. Wolf delisting for the state of Utah is not only

about restoring state wildlife management authority, more importantly it is about conservation of elk, moose and mule deer in the state. Wolf delisting and restoring state management authority will allow Utah to protect its wildlife, livestock, outdoor recreation and rural economies from the impacts that have been documented in Idaho, Montana and Wyoming.

There is a growing recognition that many of the unintended consequences on wildlife and livestock can be mitigated by timely and responsible wolf management efforts. When Canadian Gray Wolves were introduced into Yellowstone and central Idaho, assurances were given that wildlife and livestock would be protected from excessive wolf predation. In many instance, these commitments have not been kept. Failure to manage Canadian Gray Wolves has hurt wildlife populations and hard working livestock producers. Local communities bear much of the economic burden of unsustainable wolf predation. After years of decline, recovery of moose, elk and deer in Idaho, Montana and Wyoming will be a long and expensive undertaking. Wolf delisting and responsible wolf management are needed to protect and conserve key wildlife populations of elk, moose and mule deer in Utah and across the West.

Big Game Forever's Efforts

Purpose of the Report

This report is being prepared in compliance with State of Utah Contract 136039. The contract requires Big Game Forever to provide a “summary report of accomplishments to DWR.” It is important to note that in addition to the \$300,000 provided by the Utah Legislature during the 2013-2014 contract period to conduct wolf-delisting efforts, we have raised substantial private funds from other sources. Big Game Forever is a 501(c)4 social welfare organization that was organized for the purpose of restoring and protecting elk, moose, deer and wild game populations in America. Ryan Benson is the attorney for Big Game Forever who works full-time on the wolf-delisting effort.

This year's report is provided as an addition to the Big Game Forever June 30, 2013 report which outlined accomplishments, science and policy related to Big Game Forever's efforts in previous years. This report will focus largely on progress toward delisting during the 2013-2014 contract period.

Big Game Forever's Work

The research, educational, legal and legislative efforts conducted by BGF to restore state authority to manage wolves has been a significant undertaking. BGF's wolf-delisting efforts are directed to the following categories:

- Education and Science
- Public Outreach
- Direct Action
- Law and Legislative Efforts

1. Education and Science

Big Game Forever has conducted extensive research on the scientific, biological and policy considerations surrounding wolf delisting. Understanding the science, data and experiences in wolf states has been vital to Big

Game Forever's wolf-delisting efforts. Through these efforts, Big Game Forever has been able to educate decision makers and the public on the importance of protecting native wildlife species and the need for responsible management of Canadian Gray Wolves.

Big Game Forever works with state wildlife managers, wildlife conservation organizations, agricultural interests, and the public from “wolf states” of Idaho, Montana, Wyoming, Wisconsin, Alaska, Arizona, New Mexico and Minnesota. Educating concerned individuals, organizations and states from across the country has been important to building support for lasting solutions. Big Game Forever also works with states where wolves are likely to move in the near future, including Utah, Colorado, Nevada, and Washington State. Work in these states is directed at helping decision makers understand the biology, science and history underpinning the need for regulation of wolf populations now and in the future. BGF also works to educate the public in these states on the importance of responsible wolf management in wildlife conservation.

2. Public Outreach

Big Game Forever's public outreach efforts are also an important part of building support for and implementing lasting wolf-delisting solutions. Ryan Benson works extensively across Utah, Washington D.C., and in other states around the country. Building cohesive science-based support for responsible wolf management and protection is the foundation of these efforts. These public outreach efforts typically involve working with concerned individuals and organizations on ways they can get more involved to support solutions to restore wolf management authority to the states and to protect wildlife.



Big Game Forever billboard outside Yellowstone National Park

3. Direct Action

Grass roots support is also one of the tools utilized by Big Game Forever. Big Game Forever's online petition at <http://biggameforever.org> allows individuals to voice their concern while joining Big Game Forever's education and response network. Big Game Forever utilizes one of the most robust political action systems in the country. This system makes it easy for the average citizen to make their voice heard. Big Game Forever's approach is to be simple, concise, respectful, but clear in our desire to ensure that all states have authority to manage wolf populations. Big Game Forever's members have sent tens of thousands of messages in support of state management of wolf populations.

4. Legislative and Legal

Big Game Forever and Ryan Benson have been at the forefront of legislative efforts to delist wolves in Washington D.C. that began in 2010. Ryan Benson's expertise

on wolves and wolf delisting has been sought in many of the legislative proposals presented before Congress. Tim Rupli has represented Big Game Forever in Washington D.C. Mr. Rupli represented the state of Utah in the 1993 and 1995 Base Realignment & Closure Process (BRAC's), an effort funded by the state of Utah and private sector partners. Mr. Rupli, an avid outdoorsman, is regularly listed as one of the most influential lobbyists in Washington D.C. With Mr. Rupli's guidance, professionalism and expertise, BGF has worked with many Congressional offices from around the country. It has provided data, science, background and education to facilitate a more complete understanding of why wolf management is important to long-term conservation efforts of Utah and other states. BGF has worked tirelessly to unite states, members of Congress, and other like-minded organizations in building support for restoring wolf management authority to the states.

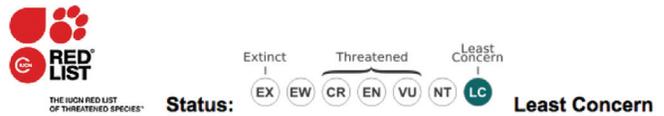
Progress During 2013-2014 Contact Period

Final Delisting Rule Expected in 2014

We are pleased to announce that we continue to move toward the objective of restoring state management authority over wolves in Utah. On June 7, 2013, U.S. Fish and Wildlife Service announced its intention to delist Western Gray Wolves nationwide. In its press release U.S. Fish and Wildlife Service explained its decision:

The U.S. Fish and Wildlife Service today proposed to remove the gray wolf (*Canis lupus*) from the list of threatened and endangered species. The proposal comes after a comprehensive review confirmed its successful recovery following management actions undertaken by federal, state and local partners following the wolf's listing under the Endangered Species Act over three decades ago. The Service is also proposing to maintain protection and expand recovery efforts for the Mexican wolf (*Canis lupus baileyi*) in the Southwest, where it remains endangered." See <http://www.fws.gov/home/newsroom/serviceproposes-graywolvesNR06072013.html>

U.S. Fish and Wildlife Service Director Dan Ashe further explained the basis for the decision, "From the moment a species requires the protection of the Endangered Species Act, our goal is to work with our partners to address the threats it faces and ensure its recovery...An exhaustive review of the latest scientific and taxonomic information shows that we have accomplished that goal with the gray wolf, allowing us to focus our work under the ESA on recovery of the Mexican wolf subspecies in the Southwest." See *id.*



IUCN Wolf Distribution Map illustrating wolves as a species of "least concern"

The draft rule was published June 13, 2013. The published draft rule returns management authority over Canadian Gray Wolves to the state of Utah and other states across America. As a result, state wildlife agencies will have the management flexibility needed to manage and protect moose, elk, deer, wolves and other indigenous wildlife populations. Publication of the draft rule is a significant step in the right direction. USFWS has announced that it expects to publish a final delisting rule by the end of 2014.

Developments in the Administrative Process and Support from Western States

During the past year there have been several important developments on the nationwide delisting including:

- opening of and extension of the official public comment period
- a series of public hearings across the country
- Science Review of the proposal
- reopening of the public comment period after the science peer review
- Congressional letters in opposition and support of delisting

During this period, support of Western States has been instrumental in continuing the momentum toward finalizing the delisting decision.

Here are statements by several Western States showing support for Wolf Delisting:

UTAH

“The State of Utah commends the U.S. Fish and Wildlife Service, state and local governments, and others for decades of effort in successfully recovering the gray wolf (*canis lupus*) from the threat of extinction.

Both the Utah Legislature and the Office of the Governor have long advocated removing the gray wolf from the list of threatened and endangered species. Utah concurs with the U.S. Fish and Wildlife Service’s conclusion that the species no longer warrants protection under the Endangered Species Act. Additionally, we fully support the agency’s decision to move forward with finalizing a rule that will delist the species in Utah and elsewhere in the United States.

While Utah does not currently have a confirmed population of gray wolves, we are prepared to manage responsibly any wolves that enter the state. Through a process involving significant research and stakeholder input, we developed and adopted a wolf management plan. This plan ensures the viability of wolf populations while providing reasonable protections for Utah residents.”

Utah Governor Gary R. Herbert

COLORADO

“The gray wolf’s progress represents years of successful work by state and federal agencies and the Fish and Wildlife Service proposal reflects that; this is good news for the species and for our state. The delisting allows the state, through CPW and the Parks and Wildlife Commission, to manage the species consistent with public desires and resource needs as we do many other important wildlife species.”

Colorado Parks and Wildlife Director Rick D. Cables

OREGON

“With a solid state conservation and management plan in place for the Northern grey wolf, an experienced wildlife management agency that is committed to wolf recovery, and established populations recovering at an increasing rate, Oregon is ready to take on further responsibility for wolf management in this state. We know that there are questions

that need to be resolved in moving toward a delisting of the Northern grey wolf under the federal ESA, and we believe the rulemaking process is an appropriate forum to address these issues. Oregon is supportive of the U.S. Fish and Wildlife Service publishing a proposed rule to begin this dialogue, and we look forward to participating in the scientific review process.”

Roy Elicker, Director of the Oregon Department of Fish and Wildlife:

WYOMING

“After years of hard work by the states and our federal partners, I am pleased that wolves are ready to stand on their own under the management of state professional wildlife biologists.”

Wyoming Governor Matt Mead

NORTH DAKOTA

“We’re glad to see the delisting effort of the gray wolf in western North Dakota. It’s been confusing for the public to understand how the wolf is under state jurisdiction in the eastern half of the state while under federal jurisdiction in the western half. With this delisting effort the wolf will be under state jurisdiction with the borders of the state.”

State of North Dakota

WASHINGTON

“The Washington Department of Fish and Wildlife is firmly committed to the long-term persistence of wolves in Washington. In 2011, the Washington Fish and Wildlife Commission unanimously approved Washington’s Wolf Conservation and Management Plan (Plan). A wide range of stakeholders participated in the development of that Plan. Washington’s Plan established recovery objectives throughout the state and assures that state protections will remain in place over the long-term. The Plan contains management tools designed to minimize wolf-livestock interactions and address potential impacts on the state’s deer and elk populations. The Commission believes the state should be responsible for the management of wolves and supports the U.S. Fish and Wildlife Service’s consideration of delisting gray wolves under the federal Endangered Species Act. By publishing the proposed rule, the Service ensures this important consideration can take place in an open and public process.”

Miranda Wecker, Chair of the Washington Fish and Wildlife Commission

Initial Public Comment Period

The public comment period on the proposal to delist Canadian Gray Wolves was announced June 13, 2013. The initial 90 day public comment period was extended twice. A first extension was announced extending the comment period until October 28, 2013. A second extension extended the comment period until December 17, 2013. During the comment period substantial efforts were made by special interest groups opposed to wolf management to submit large numbers of comments in opposition to wolf delisting. Big Game Forever spent substantial time and energy in public outreach efforts to educate the public about the importance of state management of wolves and the role of delisting in restoring state management authority. Our goal was to provide tens of thousands of letters in support of delisting to show the level of public support for delisting.

Approximately 100,000 messages were sent to the Administration and Congress during the public comment period utilizing Big Game Forever's direct action system. We are grateful to the many sportsmen, livestock producers and concerned citizens who took the time to send a message in support of delisting and state management of wolf populations. These comments are in addition to the approximately 100,000 messages that have been sent in previous years in support of wolf delisting by Big Game Forever supporters. We strongly feel

that these letters were an important component of illustrating the level of public support for primacy in state wolf management and protections.

We also worked with other stakeholder organizations to further the outreach goals. While we are unable to quantify the messages sent from third-party stakeholder organizations, these organizations have networks of hundreds of thousands of additional supporters in the area of hunting, livestock production, rural communities and outdoor recreation. The contributions, support and efforts of these stakeholder organizations was critical to the success of wolf delisting.

Public Hearings

6 public hearings were held as part of the public comment period. The hearings are part of the Service's efforts to provide an open, comprehensive public process for the wolf delisting and to provide an open forum for concerned citizens to express their views. Only one public hearing was held in a community with a resident wolf population. Hearings were held as follows:

- September 30, 2013 in Washington D.C.
- November 19, 2013 in Denver, Colorado
- November 20, 2013 in Albuquerque, New Mexico
- November 22, 2013 in Sacramento, CA
- December 13, 2013 in Pinetop, Arizona



U.S. Fish and Wildlife Service Public Hearing in Pinetop, Arizona



Gary Frazer, Assistant Director for Endangered Species, U.S. Fish and Wildlife Service

At the hearings, US Fish and Wildlife Service did an excellent job of explaining the basis for the nationwide delisting, and how the wolf delisting is supported by the requirements of the Endangered Species Act. They also explained some of the science in support of the published draft rule. The following testimony from Gary Frazer presents a cogent and instructive explanation in this regard:

MR. FRAZER: So having successfully recovered two populations of wolves, the question before us is really what now? What should the Endangered Species Act — how should it, the Act, apply to the Gray Wolf conservation now and into the future?

Well, the first question to answer that is, what are valid listable entities remaining that needs the protection of the Endangered Species Act?

A valid listable entity under the Endangered Species Act is one that a valid species, a subspecies, or a distinct population segment, and that is either in danger of extinction now, throughout all or a significant portion of its range — that's an endangered species — or is likely to become endangered in the foreseeable future throughout all or a significant portion of its range, and that's a threatened species.

So our proposed rule walks through the approach that we took in looking at all possible valid listable entities of Gray Wolves to determine how they should be addressed under the Endangered Species Act. The proposed rule evaluates the current Gray Wolf listed entity. That was the area that is

still in blue after the two populations in the Western Great Lakes and Northern Rockies are removed.

*We looked at the Gray Wolf, *Canis Lupus*, range-wide. We looked at the three subspecies of Gray Wolves that have historical ranges that included the lower 48 states and Mexico. And we also evaluated a potential distinct population segment of Gray Wolves in the Pacific Northwest.*

So Step 1, looking at the current Gray Wolf listing. Is this a valid listable entity? And we concluded that it is not. And it includes portions that were listed in error. We concluded that Red Wolves actually occupied the Southeastern United States, and should not have considered Gray Wolf historical habitat to begin with.

And we also accepted the Eastern Wolf as a valid species, so the northeast, an area that we also believed was occupied, historically, by a different species of wolves.

But, more significantly, this area that is currently still on the list and contain the Gray Wolf in that area that would be considered endangered species doesn't reasonably represent the range of the only population of wolves that exist within this area, the Mexican wolf in the Southwest. And so for this reason we propose to delist this current entity that's currently on the list. We then looked at other alternatives.

*We looked at Gray Wolves as a species, *Canis Lupus*, range-wide, and we found no evidence to suggest that Gray Wolves, *Canis Lupus*, are at risk of extinction. So we concluded that listing at the species levels is not warranted.*

We also looked at the three subspecies of Gray Wolves that historically existed within the lower 48 and found that there's no basis to conclude that Nubilus or Occidentalis are in danger of extinction, but we did find that Baileyi, the Mexican wolf in the southwest, is currently at risk of extinction throughout its range.

Finally, we looked in the Pacific Northwest. We found that there are wolf packs now in Western Washington. Wolves are expanding into Western Oregon. There was one wolf that wandered into Northern California, and we've concluded these don't constitute a population at this time. They may constitute a population in the future, if it's consistently reproducing and that carries over recruiting into the population.

But, more significantly, we found that these wolves are not discrete. They're not separate. They are, in fact, on the advancing edge of the recovering wolf population Northern Rockies and Wolves in Canada. So we've concluded that this would not valid distinct population segment.

So this table summarizes our and it's all laid out in our proposed rule. We found that the current listed entity is not a valid listable entity, that Canis Lupus, range-wide, listing is not warranted. The same for Nubilus and Occidentalis. That Baileyi, the Mexican wolf, is endangered and should be listed, and that wolves in the Pacific Northwest are not a valid DPS.

So on that basis, we came to our proposal, which was to focus Endangered Species Act protection for the Mexican wolf by listing the subspecies Baileyi as endangered wherever found, and remove the current Gray Wolf listing from the list of endangered and threatened wildlife, and also to improve the operation of the experimental rule for Mexican wolves in the Southwest.

So again, in conclusion, our goal is to administer the Endangered Species Act, to prevent extinction and to secure a species from the threat of extinction now and into the foreseeable future.

We believe that the Gray Wolf has recovered in the Western Great Lakes and the Northern Rockies, and that we now need to focus the Endangered Species protections on the Mexican wolf in the Southwest.

Representatives from Big Game Forever attended and/or testified at each hearing. Over 50 letters from local Big Game Forever chapters having hundreds of signatures of Big Game

Forever leaders were provided as written testimony at some of the hearings. Big Game Forever also worked with residents of wolf states, stake-holder organizations and elected officials to attend these hearings in support of the wolf-delisting proposal.

The following is Mr. Benson's testimony at the Washington, D.C. hearing on September 30, 2013:

MR. BENSON: Hello. My name is Ryan Benson. I represent Big Game Forever. I do represent the sportsmen and livestock industry in Utah, Idaho, Wyoming, Montana and many other states in the country.

I appreciate the opportunity to be here and speak in support of this delisting proposal. We recognize the fact that with the wolf's current distribution and numbers that they are no longer at risk of extinction. We strongly feel that these states have done a wonderful job in managing all large predators, mountain lions, bears and other species, and we feel they'll do a great job managing the Gray Wolf.

We also recognize in some areas wolf numbers are not sustainable. And I've spent many, many days meeting with hard-working ranching families or talking with families who have spent generations in the outdoors who have been personally impacted by the delay in Gray Wolf management.

For the most part, despite some of the rhetoric that's been on display here tonight, these people support Gray Wolves on the land. They recognize that they have a place. And we support responsible management of the Gray Wolf in sustainable numbers, and we feel that this delisting proposal will allow that to happen.

Thank you.

Transcripts for the hearings are available online.

Washington D.C. Hearing:

<http://www.fws.gov/home/wolfrecovery/pdf/DCHearingTranscript09-30-13.pdf>

Denver, Colorado Hearing:

<http://www.fws.gov/home/wolfrecovery/pdf/Denver-Hearing-full-pg.PDF>

Sacramento, California Hearing:

<http://www.fws.gov/home/wolfrecovery/pdf/Sacramento-CA-hearing-transcript-November-22-2013.pdf>

Pinetop, Arizona Hearing:

http://www.fws.gov/home/wolfrecovery/pdf/wolf_public_hearing_transcript_Pinetop_AZ_03Dec13%20.pdf

Independent Peer Review

U.S. Fish and Wildlife Service submitted the delisting proposal to independent expert peer review. The stated purpose of seeking independent peer review is to “ensure use of the best scientific and commercial information available and to ensure and maximize the quality, objectivity, utility, and integrity of the information upon which the proposal is based, as well as to ensure the reviews by qualified experts are incorporated into the rulemaking process.”

The selection of peer review third party provider proved to be more controversial than initially expected. After a first contractor was selected, questions arose about independence of peer review panelists of the review board. Objections were then raised about the Service’s application of a conflict of interest policy by several special interest groups opposed to the wolf-delisting rule.

Ultimately, a new contractor was selected, “The National Center for Ecological Analysis and Synthesis (NCEAS),” a research center located at the University of California, Santa Barbara. Dr. Steven Courtney organized and managed the peer review process on behalf of NCEAS. The panel included Dr. J. Dumbacher, Curator of Mammals and Birds at the California Academy of Sciences; Dr. S. Fallon from the Natural Resource Defense Council; Dr. W. Murdoch UCSB, Dr. J. Patton retired from UC Berkley; Dr. R. Wayne Professor UCLA; Dr. P. Wilson Trent University and Dr. S. Courtney, NCEAS.

The panel determined that “The proposed rule makes use of a lot of good science, and represents a tremendous synthesis of a lot of information.” However the panel was more divided on whether Eastern Wolves (*Canis Lupis Lycaon*) represents a separate species, as determined by the service, or a separate subspecies. The panelists could not agree amongst themselves which whether species or subspecies was the correct taxonomic division. This is not surprising due to the fungible nature of wild canid taxonomy and the ongoing debate within certain portions of the scientific community as to the distinction between species and subspecies.

Dr. Wilson alludes to this ongoing debate in his comments, “I don’t dispute that there is still some controversy about the species taxonomic question and from subspecies component too.” He further discussed efforts within the cited literature to deal with disagreement within the scientific community, “...Chambers et al. did recognize that the science is a moving target. In some cases they are explicit about the potential alternatives not being tested or how one might test the

question...” Dr. Courtney also suggests there may be a difference in biological taxonomic definitions of species and legal definition of species under the ESA, “difference between science and the law. Species is a biological concept but defined differently under the ESA-a “species” is a listable entity that could include species, subspecies, DPS, PSU-all these can be described as a species under the Act.”

Without attempting to further elucidate the scientific debate amongst the panelists on the topic of Eastern Wolves, it is sufficient to say that the question of Eastern Wolf taxonomy was the prominent topic of the peer reviewers. Ultimately, panelists agreed that the topic was complex, the data gave conflicting signals and that there was perhaps less agreement and precision on whether Eastern Wolves are a species or subspecies. There was also some discussion on whether the underlying “Chambers” publication was published in an accepted scientific journal. Ultimately Dr. Wilson offered as a summary, “Our consensus here is that it is a complex issue...I agree with Dr. Wayne that they did a comprehensive overview and it is a complex issue...”

Public Comment Reopened

On February 7, 2014, U.S. Fish and Wildlife Service announced it was reopening the public comment period following the receipt of the independent scientific peer review. The public comment period reopened February 10, 2013 for a period of 45 days. “Peer review is an important step in our efforts to assure that the final decision on our proposal to delist the wolf is based on the best available scientific and technical information,” indicated U.S. Fish and Wildlife Service Director Dan Ashe. “...We are incorporating the peer review report into the public record for the proposed rulemaking, reopening the public comment period to provide the public with the opportunity for input.”

Projected Final Decision

In February 2014, U.S. Fish and Wildlife Service indicated that it will finalize the delisting rule by the end of 2014. While the initial projections indicated that a delisting was likely to occur much sooner in 2014, public comment period extensions and the 2013 “government shutdown” resulted in moving the finalization date to later in 2014. US Fish and Wildlife Service now indicates delisting is expected by December 2014. We have not been able to identify any suggestion that this delay will have substantive affect on the draft-delisting rule.

At this point, we are waiting for a final publication of a delisting rule. It is possible that U.S. Fish and Wildlife Service will

address the species/subspecies distinction on Eastern Wolves. However this does not apply to wolves in Utah. Additionally, the topic of Mexican wolves remains a topic of potential concern for Southern Utah. A more complete discussion of Mexican Wolves will be provided hereinafter.

We remain committed to monitoring the final steps of the delisting process which should conclude in December of 2014. We will continue to engage our grass-roots network to build support for this important topic. We will also work with Utah Division of Wildlife Resources and apprise the Utah Legislature of developments on efforts to restore management authority over wolves in the coming months.

Mexican Gray Wolves



One topic of significant importance is the listing of Mexican Wolves (*Canis Lupus Baileyi*) as a separate subspecies. Currently, Mexican wolves are protected as Distinct Population Segment in Arizona and New Mexico. The Distinct Population Segment designation includes some management flexibility to address livestock predation and protect indigenous wildlife populations. The current proposal from U.S. Fish and Wildlife Service would replace a Distinct Population Segment designation by listing Mexican Wolves as a subspecies. This change has important policy and management implications for the state of Utah.

There has been significant pressure to allow large numbers of Mexican Wolves to inhabit Southern Utah. Mexican wolves

are not indigenous to the state of Utah. In fact, 90 percent of Mexican wolf range occurs in the country of Mexico. Attempts to use the Endangered Species Act to mandate non-indigenous wildlife species outside of native range is a concerning development. A subspecies listing will protect Mexican Wolves wherever they are found and would likely prevent relocation of wolves that disperse into Utah back to the Mexican Wolf native range. What this means is that despite the fact that Mexican Wolves are not indigenous to Southern Utah, federal ESA provisions could mandate Mexican wolves in Southern Utah.

Director Greg Sheehan from the Division of Wildlife Resource outlined concerns about the wisdom of this outcome from a policy and conservation perspective:

MR. SHEEHAN: Sheehan, S-h-e-e-h-a-n. I'm the director of the Utah Division of Wildlife Resources.

Our comments today, the State of Utah supports the delisting of the gray wolf (*Canis lupus*) in the contiguous United States. Once wolves are delisted throughout Utah, its wolf management plan will fully take effect and the species will be managed by the state, as it has managed other large predators, such as the cougar and bear.

We agree that the gray wolf and its constituent subspecies, excluding the Mexican wolf, are not in danger of extinction throughout all, or a significant portion, of their respective ranges and are not likely to become so in the foreseeable future.

The Mexican wolf subspecies listing is, however, procedurally flawed because the Service has failed to articulate the reasons or involve the public in its decision to abandon the DPS listing. The choice to list it as a subspecies as opposed to a DPS is a discretionary act subject to NEPA review.

The proposed endangered subspecies listing protects the wolf anywhere found in the United States. This prevents states outside of the Mexican wolf's historic range and the federal government from managing or controlling dispersing wolves.

Mexican wolves that disperse into Utah and Colorado will interbreed with northern wolf subspecies, and their progeny will not contribute to Mexican wolf recovery. Dispersal and intergradation of these hybridized wolves to core Mexican wolf populations in Arizona and New Mexico will swamp the unique, genetic features of the subspecies and jeopardize its recovery.

Additionally, the proposed 10(j) area should be extended south to include all Mexican wolf habitat within Mexico. By including Mexico in the experimental population, all Mexican wolves found outside the 10(j) area will presumptively originate from the experimental population.

This presumption will eliminate the inherent uncertainty and debate in classifying the origin of the Mexican wolf, the purposes of capture and return.

Additionally, we, as the State of Utah, take the position that the Mexican wolf never historically inhabited Utah or Colorado and should not be introduced there at any future time as the expansion occurs.

We will continue to monitor developments with regard to the Mexican wolf issue. We will also work with UT DWR and apprise the Utah Legislature of developments on efforts to restore management authority over wolves in the coming months.

Congressional Support

On October 17, 2013, a “Dear Colleague” letter in opposition to state management of wolf populations was distributed in Congress. The signing deadline for the letter was Monday October 21st, 2013. In response, Representative Doc Hastings and Representative Cynthia Lummis also distributed a “Dear Colleague” letter in support of wolf delisting with support from western delegations. Senator Orrin Hatch also played a key role in these efforts. We were asked to help with the outreach efforts on the “Dear Colleague” letter due to our efforts on a similar “Dear Colleague” letter in March of 2013.

In late October and Early November extensive work was done to build the support amongst members of Congress for support of both letters. The Hastings/Lummis letter in support of state wolf management developed significant bi-partisan support both in the U.S. House of Representatives and in the U.S. Senate. The letter opposed to state management of wolves was signed by a single Republican, who happened to come from the non-wolf state of Pennsylvania, in addition to the signatures from the democratic side of the aisle. Another interesting dynamic also began to emerge. Signers of the letter in opposition to wolf-delisting were primarily from heavily urban districts representing cities including New York, Los Angeles, Miami, Chicago, Boston, San Francisco, Seattle, St. Louis, Providence Rhode Island and Ft. Lauderdale. Not a single signer on this letter was from the wolf states of Idaho, Montana or Wyoming. All members of Utah’s Congressional delegation signed on as supporters of the letter in support of state management of wolves.

On November 13, 2013, U.S. Committee on Natural Resources in the House of Representatives sent a press release on the “Dear Colleague” Letter calling on the Administration to fully delist the gray wolf. The press release stated:

House Natural Resources Committee Chairman Doc Hastings (WA-04) and 74 Members of Congress sent a letter today to U.S. Fish and Wildlife Service Director Dan Ashe in support of the June 2013 proposed rule to nationally delist the Gray Wolf as “endangered” or “threatened” under the Endangered Species Act, and in opposition to a proposal to

list the Mexican wolf as a separate, endangered sub-species. This is the second letter, led by Chairman Hastings, Rep. Cynthia Lummis (WY-At Large), Senator Orrin Hatch (R-UT), and more than five dozen other bipartisan and bicameral Members of Congress and Senators to Director Ashe calling for the delisting of the gray wolf.

At least 11 of the signers of the letter led by Representative Doc Hastings, Representative Cynthia Lummis and Senator Orrin Hatch were new signers who were not involved in the March 2013 letter. Additionally, several signers of the March 2013 letter indicated that the similarity of the letters did not necessitate a new signature as they had already publicly expressed their support for state management of wolves. What this means is that support in Congress continues to build far beyond the original 62 co-sponsors of the original wolf-delisting legislation. Co-sponsors of these bills and signers of the March and October letters include over 80 members of Congress representing every state East of the Mississippi.

The following is a relevant portion of the letter led by Representative Doc Hastings, Representative Cynthia Lummis and Senator Orrin Hatch:

“The statutory purpose of the Endangered Species Act (ESA) is to recover species to the point where they are no longer considered ‘endangered’ or ‘threatened.’ The gray wolf is currently found in 46 countries around the world and has been placed in the classification of ‘least concern’ globally for risk of extinction by the International Union for Conservation Nature (IUCN) Species Survival Commission Wolf Specialist Group. This is a clear indication that this species is not endangered or threatened with extinction... We believe that state governments are fully qualified to responsibly manage wolf populations and are better able to meet the needs of local communities and wildlife populations.”

A full copy of the letter can be read at: <http://naturalresources.house.gov/uploadedfiles/111313-gray-wolf-letter.pdf>



Conclusion

The June 2013 publication of the rule to delist the Western Gray Wolf nationwide represents significant progress toward restoring management authority over wolves to the state of Utah. During the 2013-2104 contract period, there has been significant progress toward the final publication of the nationwide delisting rule. Public comment periods, public hearings and independent peer review have all been conducted. Final publication of the national delisting rule is expected

by December 2014. Support amongst Western States and in Congress continues to grow for state management of wolf populations. Final delisting of Western Gray wolves does not resolve all issues with respect to wolves as the proposal to remove the Distinct Population designation of Mexican Wolves may result in federal mandates for wolves in Southern Utah. We will continue to monitor developments on the proposals in coming months.

REPORT

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